

REMARKS

In view of the foregoing amendments and following remarks, reconsideration and allowance of this patent application is earnestly solicited.

Claims 1-15 stand rejected. Claims 1, 5-9 and 11 have been amended. Claim 2 has been canceled. Thus, claims 1 and 3-15 are pending in this application. No new matter has been introduced.

In the Office Action, the Examiner objected to claim 6 under 37 CFR 1.75(c). Specifically, the Examiner contends that claim 6 cannot recite having at least one defective and at least one non-defective circuits because claim 1 recites “at least one compressed air circuit” allowing for the possibility of only one air circuit. Applicants respectfully submit that the recitation “at least one” does not limit the claim to only one compressed air circuit. Rather, it contemplates one or more compressed air circuits. Moreover, claim 1 affirmatively recites the step of detecting at least one of “a defective and failed one of said at least one compressed air load circuit,” which is properly referenced in claim 6. Accordingly, Applicants submit that claim 6 is in proper dependent form and respectfully request that the Examiner withdraw the objection to claim 6.

Turning now to the substantive rejections, the Examiner rejected claims 1-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,484,784 (“Leiber”). The Examiner also rejected claims 2-6 under 35 U.S.C. §103(a) as being obvious over Leiber. Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants’ claimed invention is directed to embodiments of an improved method and system for detecting a defect or failure of a compressed air load circuit in a vehicle compressed air system. Pressure is measured in

compressed air load circuits and evaluated in an electronic control unit, which briefly shuts off the compressed air load circuits, measures pressure values and/or determines pressure gradients during the shutoff time and compares the pressure values and/or gradients with a respective threshold value. Circuits detected as defective or failed are identified and permanently shut off. Claim 2 has been canceled and claims 1 and 8 have been amended to further clarify the foregoing.

Leiber, the primary reference cited by the Examiner, describes embodiments of a dual-circuit brake system having a single, central pressure sensor for monitoring and diagnosing a plurality of functional data such as switching times and pressure gradients of an anti-skid braking apparatus. When the sensor detects a pressure difference between the two brake circuits, a magnetic valve can be triggered in order to prevent failure of the pressure supply.

Contrary to the Examiner's contention, Leiber does not disclose, teach or suggest a method for detecting a defect or failure of a compressed air load circuit in a vehicle compressed air system that includes the step of permanently shutting off the defective or failed compressed air load circuit. The Examiner asserts that the recitation "blocked off" with respect to defective brake circuits in Leiber without indication of reopening the circuits qualifies as necessarily permanent. *See* Leiber at 4:40-45. Applicants respectfully disagree and submit that blocking off certain brake circuits for a limited time, teaches away from permanently shutting off defective or failed circuits. *See, e.g.*, Leiber at 3:24-30.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983) (emphasis added), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*,

221 USPQ 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the method of the present invention as claimed in independent claim 1 differs from the braking method disclosed in Leiber, as discussed above, it is respectfully submitted that claim 1 is patentable over this reference. Notice to this effect is earnestly solicited.

It is submitted that claims 3-7 are also allowable by virtue of their respective dependencies from claim 1, as well as for the additional features and steps recited therein. Notice to this effect is also respectfully requested.

As to the rejection of claims 2-6 as obvious over Lieber, as discussed above, there is no description in Lieber whatsoever of permanently shutting off a defective or failed compressed air load circuit. Accordingly, Applicants submit that, absent the present application for patent, a person of ordinary skill in the art would not perceive a disclosure of the present invention in Lieber. By taking in hindsight knowledge of the present invention and attributing elements thereof to Lieber to present claim rejections under 35 U.S.C. § 103(a) when the cited art does not contain or support the knowledge, it is respectfully submitted that the claimed invention is impermissibly being used as a blueprint for its own reconstruction. Accordingly, Applicants respectfully dispute the Examiner's contention that it would have been obvious to one of ordinary skill in the art to "leave the failed circuit closed to prevent unnecessary waste compressed air" in view of the disclosure in the present patent application of permanently shutting off a defective or failed compressed air load circuit to minimize energy loss (*see, e.g.*, paragraph [0003] of the present published application).

The Examiner also rejected claims 8-15 under 35 U.S.C. §103(a) as being obvious over Lieber in view of EP 0477519 (“Wrede”). Applicants respectfully traverse these claim rejections for the reasons set forth hereinafter.

The Wrede reference cited in combination with Lieber does not overcome the deficiencies of Lieber. Wrede describes embodiments of an electronic brake system capable of self-testing for conditions such as tightness or lining wear. Large degree sensors and signal generators are used to measure signals for calculating a normalized pressure drop by a control unit. Wrede is cited primarily for its disclosure of a compressed air supply part that includes a compressor.

Like Lieber, Wrede nowhere discloses, teaches or suggests permanently shutting off a defective or failed compressed air load circuits. Accordingly, it is submitted that the combination of Lieber and Wrede does not yield the present claimed invention. Applicants submit that claims 8 – 15 of the present application recite features and structure nowhere found in Lieber and Wrede, and, thus, are patentable over these cited references, whether taken alone or in combination. Notice to this effect is respectfully requested.

It is further submitted that claims 9-15 are also allowable by virtue of their respective dependencies from claim 8, as well as for the additional features and structure recited therein. Notice to this effect is also respectfully requested.

Lastly, the Examiner notes that a certified copy of the German priority document in this case is not on file. In the event that this document has not been provided via the International Bureau, Applicants can obtain and provide one.

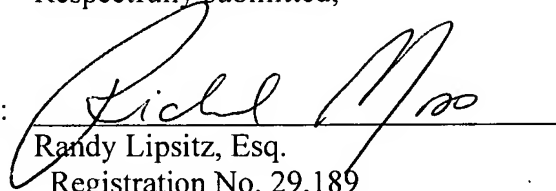
On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is

respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

The fee set forth in 37 CFR 1.17(a) for a one-month extension of time is \$130. Authorization has been given to charge this fee to Deposit Account No. 50-0540. No additional fee is believed due with this Reply. However, if any deficiency or any additional fee is due, the Director is hereby authorized to charge such deficiency or additional fee to Deposit Account No. 50-0540.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Randy Lipsitz", is written over a horizontal line.

Randy Lipsitz, Esq.

Registration No. 29,189

Richard L. Moss, Esq.

Registration No. 39,782

Leslie K. Nguyen, Esq.

Registration No. 49,081

Attorneys for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9100